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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,870	08/29/2003	Roger Tuhy	FLEET03-15	9340
52396	7590	06/05/2006	EXAMINER	
MORISHITA LAW FIRM, LLC 3800 HOWARD HUGHES PARKWAY SUITE 850 LAS VEGAS, NV 89109			SHAH, MILAP	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/651,870

Applicant(s)

TUHY ET AL.

Examiner

Milap Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 189-191 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 189-191 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

The Examiner acknowledges the preliminary amendment filed on August 29, 2003 in which original claims 1-188 were canceled and new claims 189-191 were added. Therefore, claims 189-191 are currently pending.

### *Drawings*

The drawings are objected to under 37 CFR 1.84(n). 1.84(n) states:

*Symbols.* Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

Figures 2-5 cannot consist solely of boxes and reference numbers. Due to the nature of the components involved, it is too difficult to determine what the boxes represent based on looking at the figures without referencing the specification; consequently, one cannot understand the system by looking at the drawings. The boxes must be labeled as to what they are and/or redrawn to represent the real shape of the object they are intended to represent, if such a shape can be deemed correct. Appropriate correction is required.

Figures 1-8 are also objected to by a Draftsperson at the office, see the attached "Notice of Draftsperson's Patent Drawing Review" (PTO-948) sheet for the reasons. Appropriate correction is required for these objects as well.

### *Specification*

The disclosure is objected to because of the following informalities: The titles of the various sections in the specification taken from the PCT (i.e. the parent or priority case of this U.S. application) should have the titles rewritten. For example, section I in the U.S. application should be "Field of Invention" rather than "Technical Field" and similarly sections II-V should be titled to conform to U.S. Patent application practices. Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 189-191 are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider et al. (U.S. Patent No. 5,639,088).

**Claims 189-191:** Schneider et al. disclose the same invention including a system and method for extended player retention in a gaming machine by providing an apparatus for a player to make wagers to play a gaming machine (abstract & Table I discloses "coins won per coin wagered"). The gaming machine provides a game in which a processor is configured to randomly generate outcomes including ~~losing~~ <sup>93C2</sup> and winning outcomes, in which a four-of-a-kind outcome is designated as a qualifying event (claim 1 & abstract). Schneider et al. also disclose a system to monitor or count the repetitive occurrences of the four-of-a-kind

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qualifying event, in which a determination is made if the 13<sup>th</sup> (N<sup>th</sup>) four-of-a-kind is achieved or not (abstract, figure 2[display 134], column 5, line 61 – column 6, line 14, & column 6, lines 25-33). Schneider et al. disclose that when the 13<sup>th</sup> (N<sup>th</sup>) four-of-a-kind (qualifying event) occurs, the player is awarded a jackpot (column 5, line 61 – column 6, line 14). The four-of-a-kind outcome is not only a qualifying event, but also a pre-selected winning outcome providing an independent award different from the jackpot award (column 5, see Table I).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Name</u>	<u>Reference</u>	<u>Applicability</u>
Kelly et al.	U.S. Patent No. 5,816,918	A prize redemption system in which a specific prize will be won every Nth game played on the game unit in which a specific prize goal is met (column 33, line 50-63).
Stupak	U.S. Patent No. 5,695,402	A large potential winning jackpot when a predetermined number of successive losing games are the outcomes of games played on the gaming machine (column 1, lines 4-8).
Okada	U.S. Patent No. 4,657,256	Slot machine with win/loss biasing (counts wins/losses).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.B.S.

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

CORBETT B. COBURN  
PRIMARY EXAMINER